HR Weekly Podcast
07-10-2008

Today is July 10, 2008, and welcome to the HR Weekly Podcast from the State Office of Human Resources. This week's topic concerns a recent United States Supreme Court decision regarding the "class-of-one" theory of the Equal Protection Clause.

Recently in Engquist v. Oregon Dep't of Agriculture, the United States Supreme Court decided that extending the "class-of-one" theory within the public employment context would lead to unnecessary judicial interference in state employment practices. Under the "class-of-one" theory, an appellant argues that the Equal Protection Clause forbids an employer from irrationally treating one employee differently from others similarly situated regardless of whether the different treatment is based on the employee's membership in a particular class.

Anup Engquist was hired in 1992 as an international food standard specialist for the Export Service Center, or ESC, which is a laboratory within the Oregon Department of Agriculture. Over the course of her employment, she had many problems with a fellow employee, Joseph Hyatt, alleging that he made false statements about her. Hyatt was directed to attend diversity and anger management training. Both Engquist and Hyatt applied for a managerial position within the ESC and Hyatt was chosen despite Engquist's greater experience. In 2002, Engquist was informed that her job was being eliminated due to reorganization. But, she had the ability either to "bump" to another position at her level or take a demotion. She was, however, found unqualified for the only other position at her level and, therefore, was laid off. Engquist made the claim that her state employer had discriminated against her on the basis of her race, sex, and origin and brought a "class-of-one" equal protection claim. The jury found in favor of Engquist on her "class-of-one" claim.

The Supreme Court noted that public employers must always balance the rights of public employees to promote efficiency and integrity when discharge occurs and in maintaining proper discipline. The Court concluded that extending the "class-of-one" theory within the public employee context would jeopardize this balance.

So, is the "class-of-one" claim acceptable for public employees? The Court concluded that Engquist suffered no constitutional violation at all and, therefore, there was no harm to remedy. The Court found that a variety of protections exist for public employees against impermissible personnel actions and that applying the "class-of-one" claim in the context of public employment would impermissibly "constitutionalize the employee grievance."

If you have questions about this issue, please contact your HR consultant at 803-737-0900.

Thank you.